

Previous references.

L.A. 259-06-181 B. Guth 86.
9.0.20 353 8 29.10.00
R. 1145

1907.-10

(S. A.)

File No. 61

Serial Nos. 1 to 13

Later references.

B may 13 85 1-5 S. A. 236 11

58

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 13

Part B. for July 1911

SUBJECT.

Question whether the Notification of Jan 7 1884 empowering the Sub Division Officers with the powers of a Dy Commr is in force or has to be continued to operate.

From the Dy Commr, Tumkur Dist

No. 134 of 20.8.1909

Enquires whether Notn No. 308 of 29th Jan 1884 directing that under the Indian Stamp Act I of 1879 an officer in charge of a sub division of a District be deemed to be the collector within the meaning of the said Act and if the exercise of this power by a Sub Division Officer as at present constituted has to be deemed illegal.

2. To- (1) Rev Commr (2) Stamp Commr (3) Dy Commr of Districts,
No. 78. 2131-40 of 23.10.1909

Calls for opinion whether the present Sub Divisional G. R. S. 58 Ass Commr may be empowered with the powers of a Dy Commr under the Stamp Regn 1900.

P. J. O

S. Kappanna

3. From the Dy Commr, Tumkur Dist
No. 308 of 9.11.09.

Expresses his opinion in favour of investiture of powers contemplated.

4. From Commr. of Stamps
No. 211 of 12.11.1909

Expresses his opinion against such investiture.

5. " Rev Commr
No. 5028 of 25.11.1909
Ditto.

6. " Dy Commr, Mysore Dist.
No. 391 of 16.11.1909
In favour of the investiture

7. " Dy Commr, Madurai Dist.
No. 203 of 7.12.09
Not in favour

8. " Dy Commr, Chitaldrug Dist.
No. 214 of 7.12.09
Not in favour

9. " Dy Commr, Shivanga Dist.
No. 263 of 9.12.09.
175
Not in favour.

10. " Dy Commr, Bangalore Dist.
No. 3334 of 21.12.09
In favour

11. " Dy Commr, Hassan Dist.
No. 369 of 19.1.1910
Not in favour

12. " Dy Commr, Kolar District
No. 6205 of 28 Jan 1911
209
In favour.

13. To The Compiler, Mysore Gazette
No. 78 of 73 of 7th July 1911

Notifies that the notification of 29th Jan 1884
be cancelled.

GENERAL AND REVENUE SECRETARIAT.

NOTES.

File No. 69-02

FILE HEADING.

Exercise by the Sub Division Officers,
of the powers of a Deputy Commissioner
under the Stamp Act.

From

The Dy. Commr. Lucknow

No.

134

Dated

20/8/09

Received

21/8/09

Diary No.

88

Enclos.

Spare Copies

Serial No.

1

BRIEF ABSTRACT OF LETTER.

Requires whether Rule no 308 of 1/1/87
directing that under the Indian Stamp Act-1879
the officer in charge of a sub div of a district
deemed to be the Collector within the meaning of the
said Act, still continues in force &c.

NOTES AND ORDERS.

1) Cl. 8 of Sec. 3 of the Indian Stamp Act
1879. "Collector" means
and includes a Dy Commr and
any officer whom the local Govt
may, by notification in the official

Serial
No.

Gazette, appoint in this behalf
by name or in virtue of his office

2) By cl. (c) of Govt. of India Act
No 99 I. T. of 22/5/79 applying to
Indian Stamp Act to Mysore

"Collector" means a Deputy
Comptroller and any officer whom
the Chief Comptroller may from
time to time, by notice in the
Official Gazette, appoint in
this behalf by name or in virtue
of his office

3) And by Act No 208 of 29/1/84
enacted in the letter under
disposal. An officer in charge
of a sub division of a district
is deemed to be the Collector
within the meaning of the
said Act

4) The definition of a "District"
under the Stamp Act,
II of 1900, means the District
of a District and (b) includes
any officer whom the Govt
may, by notice in the Offl Gazette,
appoint in this behalf.

(2)

As the whole of the

Serial
No.

for approval or other orders.
Sub Division of a District as
at present understood is a
group of Taluks.

11/9/09 (5)
15/9

I think the above
view is correct.

Draft may be appd

24/9/09 Sd

(6)
Sec 1) I believe 'Sub-division' Officers
in the days when that grade of
Officers existed (as officers in charge of
the Sagar, French Rocks, Saklespur ^{Shodra} etc.)
used to act as 'collectors' under the
Stamp Regn, but that other Asst Commrs
in charge of Taluks were not exercising
such powers. Now that all groups
of Taluks are called sub-divisions, it
is a question whether the note of 84
requires repeal or modification so as to
confine the exercise of the power only to
Asst Commrs in charge of ^{groups of} Taluks,
who are stationed at a distance
from the or head quarters ~~of~~
~~that~~ If the note is not modified

Serial
No.

all asst commrs in charge of
taluk will be able to act as
Collectors under the Act.

1962

2nd C^y

4/3

27/9/09

SA
27/9/09

⑦

The term collector is alto-
gether (& rightly) omitted
from the Regⁿ of 1900. The
old Act cannot therefore
be held to be in force.

⑧

Opinions may be called
for from Rev C^y, Dy. C^y &
st C^y as to the necessity to
empower Asst C^ys under
the Regⁿ

[Signature]

29/9/09

⑨

Please send this up to me
tomorrow

30/9/09
SA Put up draft's
as directed by the C^y
4/10/09 SA
Recd 30/9/09
11/10

Serial
No.

(10)

Draft submitted

ASR

6/10

mr 6/10

Issued

7/10/09

2

To the Rev Com^r

Stamp Com^r

Dy Com^r of D^s

no. 7231-40 of 23-10-09

Requests him to favor Govt with his
opinion as to the necessity of empowering Assistant
Com^r in charge of sub divisions to exercise
the power of a Dy Com^r under the clerical
Stamp Regulation 1900.

Excepting the Dy Com^r of Kolar & Hassan,
all the officers have replied to the above
communication.

Subd with a draft reminder.

ASR

11/1/10

mr 11/1/10

Issued

11/1/10

The only officer who has not
replied to the above communication is

Serial
No.

The D.C. Kolar. Draft calling for his
opinion without further delay is submitted.

(12)

28/12

22/12/10

Lesung

27/12/10

The opinions of all have been received.
They are as follows.

3. From D.C. Tumkur }
no 308 of 9.11.09 } In favor of the proposal.

4. " Com'g stamps }
no 211 of 12.11.09 } Not in favor

5. " Rev Com' }
no 5028 of 15.11.09 } Not in favor.

6. " D.C. Ellipore }
no 391 of 16.11.09 } In favor.

7. " D.C. Radur }
no 203 of 7.12.09 } Not in favor.

8. " D.C. Chitaldurg }
no 214 of 7.12.09 } Not in favor.

9. " D.C. Shumoga }
no 263 of 9.12.09 } Not in favor.

10. " D.C. Bangalore }
no 3334 of 21.12.09 } In favor.

11. " D.C. Hassan }
no 369 of 29.1.1910 } Not in favor.

Serial
No.

on the ground that the term 'Collector' being altogether omitted from the Regulation, the old notification cannot be held to be in force. The Dycom Bangalore Dt. has pointed out that the question was raised once before in soon after the passing of the Regulation and that Govt have ordered that the notification of 1884 continues to be in force even after the Regn. The Govt order referred to viz G.O. no. $\frac{3523}{R. 1145}$ of 29.10.1900 is put up. It is regretted that the office was not able to trace this reference when first submitting the case and it is surprising that even the Dycom, Shimoga, on whose motion the said order was passed has not referred to it.

Except perhaps in the Shimoga Dt.

14: It is however clear from the opinions received that in no district are Asst Comrs exercising the power of a Dycom under the Regn. Even the D.C. Bangalore who quotes the old order says that in practice Asst Comrs are not exercising them.

Submitted for orders.

Asst
(121)
4/3

and-5
4/10/11

15. The opinions expressed - notably by the Deputy Commr of Hassan, and the Rev. Commr - are distinctly against the proposed delegation of powers. No action seems therefore

SH

File No.

67 of 1909

Serial
No.

inclined to think that that
Class is extinct. Please
let me see the order calling
the new Ass't Crs sub-dy
Officers

Am

13/12/11

To Mr I for kind compliance

Dec 56

22/3/11

2 Br II.

Please get LR 259-06-2

31/10/11 for Record

Filed with the Collection Conty.

Notu. no P 4408-L.R. 259-06-18

21/10/06

Dec 56

22/3/11

md 22/12/11 20/Jan 11

1/12/11

20. I think that the not-
about old sub-dy officers
does not apply. a brief
order to that effect
may be passed

28/3/11

Am

Serial
No.

Please circulate to Council
and bring up at Council meeting

W. B. King

Circulate (+ note for meeting)

clg

107574

ST

107574

The Revenue Sub-Div. Officers
need not be empowered to
exercise the powers of Deputy
Commissioner under the Stamp
regulation. The notification
of 29 Jan 1884 may be cancelled

W. B. King

13/574

Note for meeting

clg

157574

C. 310.
11. 5. 1911. (14)

GENERAL AND REVENUE SECRETARIAT.

Meeting

Council Matter.

SUBJECT.

Delegation of the powers of a deputy
Commissioner under the Stamp Regulation to
assistant Commissioners in charge of Sub-Divisions.

CIRCULATED TO COUNCILLORS.

By Order,

15th May 1911.

C. S. Balasubramanyam
Secretary to Government.

K. P. Puttanna Chetty, Esq.,
First Councillor.

H. V. Nanjundayya, Esq., M.A., M.L.,
Second Councillor.

Seen by the Secy

12/20
19-6-11

15

Extract from the Proceedings of the ^{264th} Meeting of the
Council of His Highness the Maharaja, held at
Mysore on the 15th & 16th June 1911.

10. Subject.

Delegation of the powers of a Deputy Commissioner
under the Stamp Regulation to Assistant Commissioners
in charge of Sub Divisions.

OPINION OF THE COUNCIL.

X Paper under
disposal

X
The notification of 1884 delegating such powers
may be cancelled.

Sd. J. Ananda Row,
Dewan of Mysore.

"Extract"

essalasundaram
Offg. Secretary to Govt.

PT

Submitted to His Highness.

Extract in
Paper. C.

2

Under Notification No.308 dated 29th January 1884, an officer in charge of a Sub-Division of a District was to be deemed the Collector (i.e. the Deputy Commissioner) within the meaning of the Indian Stamp Act I of 1879 as introduced into Mysore. The Indian Stamp Act was repealed by the Mysore Stamp Regulation II of 1900. The Deputy Commissioner of Tumkur inquired whether Sub-Division officers still continued to exercise the powers of a Collector without another Notification under the Mysore Stamp Regulation of 1900 and whether the exercise of powers by Sub-Division officers under the authority of the old Notification were to be deemed as illegal.

2. The views of Deputy Commissioners, Revenue and ^{Stamp} Excise Commissioners were called as to the necessity to empower Sub-Divisional Assistant Commissioners to exercise the powers of a Deputy Commissioner under the Stamp Regulation.

3. Of the 10 officers consulted, 3 officers viz. Deputy Commissioners of Tumkur, Kolar and Mysore are for investing the Sub-Division officers with the powers of

Page 7 of office
notes

a Deputy Commissioner and the other officers were against any change.

U. 3. The subject having been considered in Council, it is of opinion that the Notification of 1884 delegating the powers of a Collector (Deputy Commissioner) to Sub-Division officers may be cancelled. The Sub-Division officers there referred to were those at Hassan, Chitaldurg and French Rocks, who were as good as Deputy Commissioners without a Treasury. The proposed cancellation of the Notification of 1884 may be approved.

C 4. The second question raised by the Deputy Commissioner of Tumkur need not be answered as it is more academical than practical. If a case in point arises probably it can be validated by the Deputy Commissioner affirming the Assistant Commissioner's action objected to.

J. Mandakur
27/11/11

18/

Serial
No.

Draft notification sent. 2nd Comptroller wants
an order also to issue. If so directed
the order approved by him which is in the
file will also be issued.

Asst
Secy
4/11

Secy
4/12/11

~~4/12/11~~

Make a fair copy of
the notification as revised & send
with regard to the order.

Please see last para of the
note of submission H.A.

The order need not
issue as there is
will be raising doubts
regarding the validity
of past acts

5/7/11

4/7/11

Clear draft sent

Secy
5/7/11

~~5/7/11~~

Issue notification

Part B

SA

13

To the Compiler, Mysore Gazette
no. 73 of 7-7-11.

Mysore Gazette

Part IV

Page 333

of 13-7-11

Direct that the notification of 29-1-1884
be cancelled -

(1) ~~IV 4111 B-887~~ 5R
1909-10

From The Deputy Commissioner
Mun Koor District

To The Secretary to the Govt
of Mysore. Genl and Res. Dept.

Dated 20th } Bangalore
Despatched } August 1909

Received

General No. 134.
No.

S R-61-09
8 no. 1,

Enclosure No.

Requires if a separate
notification is necessary to
legalise the exercise by
Sub Division officers, of the
powers of a Deputy Com-
-missioner under the Stamp
Regulation of 1900.

Office of the
Deputy Commissioner, Tumkur District,
Dated, 20th August 1909.

From,

K.Doraswami Iyer Esqr;
Deputy Commissioner,
Tumkur District,

To,

K.S.Chandrasekhara Aiyar Esqr; B.A.B.L.
Secretary to the Government of His Highness
the Maharaja of Mysore, General and Revenue Departments,
Bangalore.

Sir,

Referring to the definition of a " Deputy Commissioner " in section 1 (10) of the Mysore Stamp Regulation of 1900 I have the honour to enquire in reference to the sub-clause (b) if Sub-Divisional Officers should be reappointed by a separate notification in the Gazette now, in order to render legal their exercise of the powers of a "Deputy Commissioner" under the Regulation.

2. In Notification No. 308 dated the 29th January 1884 in the Gazette of the 16th February 1884 (quoted marginally for ready reference) an

The 29th January 1884.

No. 308- With reference to clause (c) of the Government of India Notification No.99 I.J. dated 22nd May 1879, extending the Indian Stamp Act 1 of 1879 to Mysore, the Government of His Highness the Maharaja directs that an officer in charge of a Sub-Division of a District be deemed to be the Collector within the meaning of the said Act.

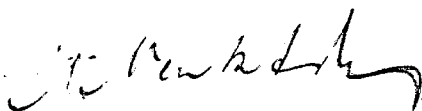
officer in charge of a Sub-Division of a District was to be deemed to be the Collector that is " Deputy Commissioner" within the meaning of the Stamp Act.
3. The Stamp Act of 1879 was repealed wholly

by the Mysore Stamp Regulation of 1900 and I beg to be informed if another notification is required now to enable Sub-Division Officers to continue to exercise the powers and if their exercise of those powers until now under the authority of the old notification should be deemed as illegal. The notification though issued under under the old Act is in no way repugnant to anything in the present Regulation.

I have the honour to be,

Sir,

Your most obedient servant,



For Deputy Commissioner.

B.S.

T.B.M.

Diary No. of letter replied to 887

No. 2131-40

General and Rev. Secretariat

(Sep 26)
 , the 190

To

The Rev Com

Stamp Com

Dy Comd gds

Date of issue 23rd Oct 1909

Signed by M^r P. G. Almeida

Sir,

I am directed to request you to be so good as to favor Govt with your opinion as to the necessity to empower Assistant Commissioners

to exercise the power of Deputy Commissioners under the Stamp Regulation 1900. (Please see ^{supra} defⁿ of the word Dy Commr in the Regulation)

I have

[Signature]
 For Secretary

Assn
6/10

over.

SUBJECT.

674

in charge Sub Divisions

57885

512

190

From The Deputy Commissioner,
Tumkur District.
Tumkur.

SA. 61-09
87 no. 3

To The Secretary to the
Government of Mysore,
General and Revenue Departments.

Dated 8th. 11 November 1909.
Despatched 9th. 11

Received

General No. 308
No.

Enclosure No.

Submits that he is in favour of Assistant Commissioners in charge of Sub Divisions exercising the powers of a Deputy Commissioner.

11
10 11 9

Office of the Deputy Commissioner,

Mamkur District.

Dated 3th. November 1909.

95.

From

K. Doraswami Iyer Esqr.,

Deputy Commissioner,

to

K. S. Chandrasekhara Aiyar Esqr., B.A., B.L.,

Secretary to the Government of His Highness

the Maharaja of Mysore,

General and Revenue Departments.

Sir,

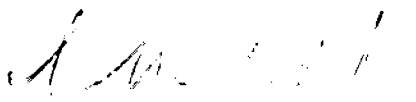
In reply to your letter No. Fl. 2131-40/S.R.

61-09-2 dated the 23rd. ultimo asking my opinion as to the necessity of empowering Assistant Commissioners in charge of Sub Divisions to exercise the powers of a Deputy Commissioner under the Mysore Stamp Regulation of 1900, I have the honour to invite reference to my letter No. 134 of the 19th. August 1909 on the subject. I am in favour of Assistant Commissioners exercising these powers.

I have the honour to be,

Sir,

your most obedient servant,


For Deputy Commissioner.


K.D.

No. 5028.

58 61 09
OFFICE OF THE REV. COMR. IN MYSORE,

Bangalore, 10th November 1909.

15

FROM

Rajakarya Pravina,

A. RANGASWAMI IYENGAR, ESQ., B. A., -B. L.,

Revenue Commissioner in Mysore.

TO

The Secretary to the Government of

His Highness the Maharaja of Mysore,

General & Revenue Departments.

SIR,

With reference to your letter No, Fl.2131-40/S.R. 61-09-2 dated the 23rd October 1909, calling for my opinion as regards the need for investing Assistant Commissioners in charge of Sub Divisions with the powers of a Deputy Commissioner under the Mysore Stamp Regulation of 1900, I have the honour to state that I see no ~~xxxxxx~~ necessity for the proposed measure. The powers exercised by Deputy Commissioners under the Stamp Regulation are numerous and responsible. The Assistant Commissioners with their limited establishment and powers in other respects cannot be expected to attend to this additional important work satisfactorily. It is better that the Deputy Commissioner should deal with ^{stamp} ~~stamp~~ questions throughout the District, so that there may be no conflicting orders within the District. Besides, the references on these questions will reach the Deputy Commissioner as soon as they can be expected to get to the Sub Division Officer and there is no reason why the latter should be able to deal with them more promptly than the former.

I have the honour to be,

Sir,

Your most obedient servant,

K. Subba Rao

For Revenue Commissioner.

Wm

From

Rajakarya Pravina,

A. RANGASWAMI IYENGAR Esq., B.A., B.L.,

Revenue Commissioner

in Mysore.

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
General & Revenue Departments.

Dated 10th

Despatched 15 November 1909.

Received

No. 5725

Enclosure No.

Furnishing opinion in re
the necessity of empowering
Assistant Commissioners in
charge of Sub Divisions to
exercise the powers of a
Deputy Commissioner under
the Mysore Stamp Regu-
lation of 1900

5020
 1909-16
 From *The Dy Commissioner*
Mysore District
 To *The Secretary to the*
Govt of Mysore
 Dated 20 } *Genl & Secy*
 Despatched } *Noun*
 Received } *Gov Bangalore*
 General No. 391.
 No.

SG-6509
 8mo 6

Enclosure No.

Submitting
 opinion in re the
 Empowering the
 Asst Commr in
 charge of the
 with Dy Commr's
 power under the
 Mysore Stamp
 Regulation

No. 391
Enc. No.

OFFICE OF THE *Deputy Commissioner*

MYSORE DISTRICT,
Dated *Mysore* 16th November 1909.
Camp

To *H.S. Chandra Sekhara Iyer, B.A., B.L.,*
Esq.,

SECRETARY TO THE GOVERNMENT

OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

GENERAL AND REVENUE DEPARTMENTS.

Sir,

With reference to your letter
No. Pl 2131-40/S.R. 61-09-2 of 23rd October
1909, calling for my opinion as to
the necessity of empowering District
and Commissioners in charge of sub-
divisions to exercise the powers
of a Deputy Commissioner under
the Mysore Stamp Regulations, I have
the honor to state that I am in
favor of investing them with such
powers, as they are not at present
in direct touch with the work of
the sub Registrars of their divisions,
except as Ex-officio-Inspectors of Regis-
tration. The Deputy Commissioner
as District ^{Registrar} can check the work
turned out by the sub Registrars under
him, but no such opportunity is
afforded

afforded to the Assistant Commissioners who can have an insight into, their work only when they regularly inspect their Offices.

The exercise of powers under the Stamp Regulation by the Assistant Commissioners as such is not also inconsistent with the definition of the word "Deputy Commissioner" as given in the Regulation, provided Government accord their sanction to it.

If While this minimises the work of the Deputy Commissioner to a large extent, it will enable the Assistant Commissioners to exercise better control over the work of the Sub-Registrars.

The number of impounded documents received in this District is particularly large and it will be a great relief to me, if this work is also shared in by my Assistants.

According to the recent order of Government the Assistant Commissioners are expected to pass the Registration examination and

and hence they are competent
to deal with such papers.

I have the honor to be, Sir,
Your most obedient servant

Deputy Commissioner,
New York District

11 4/12 52190 SP
1909-10

From

The Deputy Commr.
Madras District

To

The Secy to the Govt of Mysore
Genl & Rev Depty

Dated

4th

Despatched

4th

3 December 1909

Received

General No. 203

No.

Enclosure No.

nil

Stating that there is
no necessity to invest
ACs in charge of Sub Divs
with Deputy Commr's
powers under Chapters
III to V of the Stamp Act?

SG 6509
8mo. 7

Office of the Deputy Commissioner
Madurai district

Dated 4th December 1909.

From

H. R. Srinivasa Iyengar Esq. M.A.,
Deputy Commissioner

To

C. S. Balasubramaniam Iyer, Esq.
B.A.,

Secretary to the Government

of Mysore,
General & Revenue Departments.

Sir,

With reference to your letter

N^o. F.L. 2131-40 - dated 23rd October 1909
S.R. 61-09-2

calling for my opinion as to the ne-
cessity to empower Assistant Com-
missioners in charge of Sub Divi-
sions to exercise the powers of
a Deputy Commissioner under
the Mysore Stamp Regulation,
I have the honor to state that
no such step seems to be
called for at present, as the number
of documents etc. received by the
Deputy Commissioner under
Chapter

15
Chapters III to V of the Stamp
Act is by no means very large,
and the Deputy Commissioners
can deal with all of them with-
out inconvenience

I have the honor to be,
Sir,
Your most obedient servant.

Murishankar
To Deputy Commissioners
Haver District

52191 SR
1909
From The Deputy Commissioner
Chitradroog District

To The Secretary to the
Govt of Mysore, Civil & Revenue
Dept
Bangalore

Dated

Despatched 7 December 1909

Received

General No. 214
No.

Enclosure No.

Submitting opinion
on the question of
empowering Assistant
— — — — —
Commissioners to
exercise the powers of
District Court under the
Mysore Stamp Regn 1900

SOA. 6509
81208

No 214

Office of the Deputy Commissioner,
Mysore, Chitaldroog District
Dated Chitaldroog 7th December 1909

From, Mr. Chengiah Chetty Esquire B.A.
Deputy Commissioner.

C. S. Balasubraman Esquire B.A.
Officiating Secretary to the Government
of H. H. The Maharaja of Mysore,
General and Revenue Departments,
Bangalore

Sir,

In reply to your letter No. H 2131/40
EK 61-09-2

dated the 23rd October 1909, requesting to
furnish my opinion as to the necessity
to empower Assistant Commissioners
in charge of Sub Divisions, to exercise
the powers of a Deputy Commissioner under
the Mysore Stamp Regulation 1900, I have
the honor to state that Section 2 C(10)
of the Stamp Regulation defines
Deputy Commissioners as meaning
Deputy Commissioners of a district
and any officer whom the Government
may by notification in the Official
Gazette, appoint in this behalf.

At present, the powers of a Deputy
Commissioner are conferred under
the Stamp Regulation, to the Deputy
Commissioners of a district, and

are

18

are not extended to other Revenue
Officers viz Assistant Commissioners
in charge of Sub-Divisions. The necessity for
investing Assistant Commissioners with
the powers of a Deputy Commissioner
under the Stamp Regulation, does not
seem to have arisen anywhere in the
State, nor is this made the subject
of a representation in the Dasara
Representative Assembly. The reason
for the investiture of these powers to
the Assistant Commissioners ought to be
that inconvenience felt by the
parties in having to travel to the
Deputy Commissioner's Head Quarters
in connection with procedure
under the Stamp Regulation, has
been brought to the notice of Government,
and that relief in the way of affording
facility in this direction is called for.
So far as my experience goes, people
have not as yet voiced their grievance
in this respect, nor is there any real
hardship or inconvenience for
the parties in having to resort to the
Head Quarters of the Deputy Comm... for
the occasions for which are few,
and far between, because most of
the documents are impounded by
Courts or Sub Registrars and

Sent to the Deputy Commissioner for
a adjudication of Stamp duty and penalty,
and the parties are not in nine by nine.
(Out of hundred cases, I am one to
appear in person. Besides, the work
of adjudication of Stamp duty has not
been felt to be a heavy task in the
District office, requiring any relief.
The powers of a Deputy Commissioner
under the Stamp Regulation, are
for the most part final, and even
the Government which is the Chief
controlling authority, cannot alter
his decision as regards adjudication
of Stamp duty. I would therefore
suggest that, if necessary, the
Senior Assistant Commissioner
in charge of Sub Divisions may
be invested with the powers of a
Deputy Commissioner to be exer-
cised within the jurisdiction of
their respective Sub Divisions, under
the General Section of the Stamp
Regulation except Section 43 and
70 which involve the question of
prosecution of parties, and there
are good reasons for retaining
which authority in the hands of
the Deputy Commissioner
of

(21)

By Gulr 52230

1909

SA.

From

The Deputy Commissioner
Shimoga District

To

The Secretary to Government
General and Rev. Departments

Dated

9th December 1909

Despatched

Received

General No. 263

No. 175

Enclosure No.

SG. 61-09
8mo. 9

With reference to his letter of
No. 2131-40/S.D. 61-09-2 dated 23rd
October 1909, states that in his opinion
there is no such necessity at present
as the cases to be dealt with are not
so numerous as to necessitate relief
being given to the Dy. Commr. by
investing the Sub-Dy. officers with
the powers referred to in the above.

N^o 263
175
Hou,

Deputy Commissioner's Office.

Shimoga, 9th December 1909

M. Narain Rao Esquire,
Deputy Commissioner
Shimoga District

To,
C. S. Balasubraman Iyer Esquire, &
Offg Secretary to Government
General and Revenue Departments

Sir,

With reference to your letter S. H. 2131-40/
S. H. 61-09-2 dated 23rd October 1909 calling for my
opinion as to the necessity to empower Assistant
Commissioners in charge of Sub-Divisions to
exercise the powers of a Deputy Commissioner under
the Mysore Stamp Regulation 1900, I have the honor
to state that in my opinion there is no such
necessity at present, as the cases to be dealt with
are not so numerous as to necessitate relief being
given to the Deputy Commissioner in this respect
by investing the Sub-Divisional Officers with
these powers.

I have the honor to be,
Sir
Your most obedient servant
M. Narain Rao
Deputy Commissioner,
Shimoga District

having been superseded by any subsequent notification must be considered to be still in force under section 24 of the General Clauses Regulation.

2. The Sub Division officer's having already the powers of a Deputy Commissioner there seems to be no necessity to consider the question now.

3. As, however, in practice the Assistant Commissioners in charge of Sub Divisions have not been actually exercising the powers they are already empowered with, it may suffice if they are apprised, by means of a fresh Government order of their powers and required to exercise the same in future.

I have the honor to be
Sir,
your most obedient servant,

K. A. A. A.
Deputy Commissioner
Bangalore District

me

1909-10
FROM

2535
SR
190 9-10.
P.R.W. Wetherall Esquire,
Deputy Commissioner,
Hassan District.

TO

56161-09
Smo-11
C.S. Balasundaram Iyer Esquire, B.A.,
Offg. Secretary to the Govt. of
H.H. The Maharaja of Mysore,
Genl. & Rev. Depts. Bangalore.

Dated

Despatched $\frac{25}{29}$ } January 1910

Received

General No. 369

No. S

Enclosure No.

S U B J E C T .

Furnishing opinion re
the exercise by ~~the~~ the
Assistant Commissioners
in charge of Sub Divisions
of the powers of a Deputy
Commissioner under the
Mysore Stamp Regulations
II of 1900.

Deput. Commissioner, ...

... District.

Dated 29th January 1910.

From,

... ..

... ..

... ..

To,

C. S.

... ..

... ..

... ..

... ..

... ..

With reference to your letter
No FL 2131-40/S.R. 6109-2, dated 23rd
October 1909, calling for my opinion
as to the necessity to empower ~~the~~
Assistant Commissioners in Charge of
Sub Divisions, to exercise the powers
of a Deputy Commissioner under the
Mysore Stamp Regulation of 1900, I
have the honor to state that in the
Mysore Stamp Regulation the term
"Deputy Commissioner" is defined as
follows:—(a) means the Deputy Commissioner
of a District and (b) includes any
officer whom the Government may
by.

28

by Notification, in the Official Gazette, appoint in this behalf.

2. Considering the importance of determining questions of Stamp duty on documents often impounded by Courts and Sub Registrars and sent to the Deputy Commissioner for adjudication of Stamp duty, it does not appear desirable to empower Assistant Commissioners in Charge of Sub Divisions in this behalf, as there may not be uniformity in the District in the disposal of questions of Stamp duty in respect of documents of similar nature. In this connection I may submit that even Judges of High Courts in many instances have disagreed with each other as regards the interpretations of the provisions of Stamp Law.

3. It may be also taken into Consideration that decisions of the Deputy Commissioner under Chapter

III of the Mysore Stamp Regulation
No II of 1900 are presumably final
(vide Sub-Section (1) of Section 56 of
the Regulation).

4. Moreover the Office Establish-
ments of Assistant Commissioners
in Charge of Sub Divisions are very
limited compared with the duties
which devolve upon them at present.

5. I am therefore of opinion that
it is undesirable to empower Assistant
Commissioners in Charge of Sub Divisions
to exercise the powers of a Deputy
Commissioner under the Stamp
Regulation, and that there does not
at present appear to be necessity
for the same.

I have the honor to be,

Sir,

Your most obedient Servant

W. Wetherall

Mr Deputy Commissioner
Hassan District

53053 SAL
190
From The Deputy Commissioner
Kolar District
secy)

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General & Revenue Departments,
Bangalore.

Dated 28th January 1911

Despatched

Received

General No. 6205

No. 209

Enclosure No.

Submitting opinion
on the proposal in
regard to the delega-
tion to Assistant Com-
missioners in charge
of Sub Divisions of the
powers of Deputy Com-
missioners under the Stamp
Regulation.

No. 6205/209

Deputy Commissioner's Office,

Kolar District,

Dated Kolar, 28th January 1912.

From

C. Srikantesvara Aiyar, Esqr., B.A. B.L.,

Deputy Commissioner, Kolar District.

To.

C.S. Balasundaram Iyer, Esqr., B.A.,

Offg: Secretary to the Government of H.H. the

Maharaja of Mysore, Genl.&Rev. Departments.

Bangalore.

Sir

With reference to your letter No.

H. 2131-40 - S. A-09-2 dated 23rd

October 1909, regarding the delegation

to Assistant Commissioners in

charge of sub Divisions of the powers

of Deputy Commissioners under the

Stamp Regulation, I have the honor

to state that I agree to the

proposal, especially if the Sub Division

Officers

Officers happen to be experienced
 And senior Assistant Commis-
 sioners, as the same is likely
 to be more conducive to the
 prompt disposal of stamp
 questions that come up to the
 Deputy Commissioners for a judi-
 cation

I have the honor to be
 Sir

Your most obedient servant

B. Kesavalingam

Deputy Commissioner

M

Kolam District

2676

G.R.S. 26]

30

Transmitted

5/7/11

H2

Diary No. of letter replied to

3053

General and Revenue Secretariat

, the

19

Date of issue

7 July / 11

Signed by

WCS Bhatnagar

Mysore Gazette
 Part III Page 333
 dt 13-7-11

33

File No.

Serial No.

Noddy

No. 2673

7 July / 11

The Govt of the
 Maharaja of Mysore are
 pleased to direct that
 Noddy no. 308 of 23.1.1880
 directing that an officer
 in charge of a Sub Dy of
 a District be deemed to
 be the Collector (Deputy
 Commr) within the meaning
 of the Indian Stamp Act
 of 1879, be cancelled.

BVO.

SUBJECT.

The Compiler, Mysore
 Gazette for publication
 in Part III of the Gazette
 with a request to send 50
 copies to the Field Branch
 of the G.R.S.

Cond 112
 6/7/11